

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARIE BURNESSE,
Plaintiff,

FILED

CIVIL ACTION

JUL 19 2007

v.

MICHAEL J. ASTRUE, I

Commissioner of Social Security,
Defendant

By

No. 06-5233

ORDER

AND NOW, this 19th day of July, 2007, upon careful consideration of the Report and Recommendation filed by United States Magistrate Judge Peter B. Scuderi, and upon independent review of the Cross Motions for Summary Judgment filed by the parties, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Plaintiff's motion for Summary Judgment is GRANTED, IN PART.
3. Defendant's Motion for Summary Judgment is DENIED.
4. The decision of the Commissioner which denied supplemental security income and disability benefits to the Plaintiff is VACATED, and the case is REMANDED for further proceedings in accordance herewith.

7-19-07- FAXED BY
CHAMBERS TO:
M. P. BOYLE

BY THE COURT:


JOHN P. FULLAM, J

¹On February 12, 2007, Michael J. Astrue succeeded Jo Anne B. Barnhart as the Commissioner of the Social Security Administration and therefore automatically replaced her as the defendant in this action. See 42 U.S.C. § 405(g) (2007); Fed. R. Civ. P. 25(d)(1).